REMARKS

Claims 1-6, 8, 9, 12-14, 17, 18, 20-27 and 31-39 are pending in the application. By this Amendment, claims 1, 25, 36 and 38 are amended, claims 10 and 11 are canceled, and the drawings are corrected. The amendments to the claims do not introduce new matter as they are fully supported by the specification, claims and drawings as originally filed. The amendments to the specification and drawings do not introduce new matter as they are fully supported by the specification and the claims as originally filed. Applicant respectfully requests reconsideration of claims 1-6, 8-14, 17, 18, 20-27 and 31-39 in view of the above amendments and the following remarks.

The drawings were objected under 37 CFR 1.83(a) for Claim 18 for not showing every feature of the invention specified in the claims. Claim 18 relates to a pump or syringe connected to the inflation passage for inflating and deflating the retention member 56. By this Amendment, Applicant amended FIG. 4A by adding a depiction of a syringe (70) inserted into the inflation lumen 64 of the drainage catheter 40. Applicant respectfully submits that this objection is now moot.

Claim 1 was objected to as lacking a period at the end of the claim. By this Amendment, Claim 1 was amended to add a period at the end of the claim. Applicant respectfully submits that this objection is now moot.

Claims 36 and 38 were objected to as being unclear as to whether the tether is being claimed or not. By this Amendment, claims 36 and 38 were amended to

clarify that the access lumen plug is coupled to the tubular member by a tether. These amendments are fully supported by the drawings as originally filed. Applicant respectfully submits that this objection is now moot.

Claims 1-3, 5, 6, 8 – 14, 18, 20, 22, 23, 25 – 27, and 31 – 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,606,889 to Arblaster in view of U.S. Patent No. 5,556,385 to Anderson. The Examiner indicated that Arblaster shows all of the elements of independent claims 1 and 25 except for an access lumen plug. The Examiner further indicated that Anderson teaches a percutaneous catheter which may be used for removal of fluid from a patient's body, that the percutaneous catheter includes an access lumen plug that is integral with the connector hub and that the plug closes the lumen and helps to avoid confusion between different lumens.

By this Amendment, Applicant amended independent claims 1 and 25 to include the elements of dependent claims 10 and 11; claims 10 and 11 were canceled. Claim 10 was directed to a foam bolster 68 around the proximal end of the tubular member 50 and Claim 11 included that the foam bolster 68 may be slightly compressed upon placement of the tubular member 50 to provide a spring force against the retention member 56 in the access tract and to help maintain consistent position of the tubular member 50.

In paragraph 10 of the Office Action, the Examiner indicated that Arblaster teaches the limitations of Claims 2, 3, 5, 6, 8 – 14, 18, 23, 26 – 27, and 33, as stated in the prior Office Action. Applicant respectfully contends that Arblaster does not

teach a foam bolster around the proximal end of the tubular member that may be slightly compressed upon placement of the tubular member to provide a spring force against the retention member in the access tract and to maintain consistent position of the tubular member. Additionally, Anderson does nothing to correct this deficiency.

In the prior Office Action, the Examiner indicated that for Claim 10, Arblaster teaches a foam bolster around the proximal end of the tubular member and referred Applicant to reference number 35 of FIGS. 1 and 3 and column 2, lines 56-71. For Claim 11, the Examiner indicated that Arblaster teaches placement of the catheter and bolster so that the catheter is under slight tension and the bolster is against the skin and referred Applicant to column 3, lines 37-44. Column 2, lines 56-71 of Arblaster teach a series or stack of soft ring cushions snugly and frictionally mounted onto the tube. The cushions are soft, resilient, absorbent and have substantial thickness. Column 3, lines 37-44 of Arblaster teach that slight tension is applied to the catheter to make certain the balloon is seated against the inlet orifice to the urethra. The collar is manipulated while the rear portion of the catheter is grasped and the stack of cushions is advanced until the foremost cushion is against the urethral orifice. However, the description does not teach that the cushion is slightly compressed. In column 3, lines 23-30, Arblaster teaches that the cushions are advanced until the face of the foremost cushion "rests gently" against the outer end of the urethral orifice. Arblaster does not contemplate the cushions being compressed. As stated above, the cushions of Arblaster are absorbent. If the

cushions of Arblaster were compressed, their absorption properties would be diminished.

In column 3, lines 7-11, Arblaster teaches that the cushions are weakened, such as by perforations, to facilitate severance and removal of a used cushion. Additionally, in column 2, lines 55-68, Arblaster teaches removing the foremost cushion each day, up to ten days, indicating that the Arblaster device is not meant for use beyond ten days. The bolster of the present Application does not include any such perforations. Further, the device of the present Application is meant to remain in the patient for up to or more than twelve weeks. (See Claim 9 and page 6, line 21 through page 7, line 1.) Arblaster does not teach a bolster having no perforations and meant to remain in place for upwards of twelve weeks or more, and Anderson fails to correct this deficiency.

For the foregoing reasons, Applicant respectfully submits that neither Arblaster nor Anderson, either together or alone, teaches each and every element of the claims of the present Application. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

APPLIED MEDICAL RESOURCES

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Attachments